

\* Revisions are in blue, questions are in red

# Board Rules

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## Adopting Rules for Board Meetings and Repealing ~~Resolution 07-014~~ Ordinance

~~The Multnomah County Board of Commissioners Finds:~~

A. Multnomah County Home Rule Charter section 3.50 contains requirements for Board meetings, and subsection (1) requires the Board to adopt and publish rules for the conduct of its meetings.

B. At the first board meeting each year, the board shall adopt and publish rules for the conduct of its meetings and shall conduct the meetings in accordance with the rules.

C. The Board shall maintain a list of terminology and definitions available for review by the members and public.

D. Roberts rules of order are the guidance to these rules

E. All Board meetings must comply with the Oregon Public Meetings Law.

~~C. Resolution 07-014 adopted the current Board rules that now need revision.~~

~~The Multnomah County Board of Commissioners Resolves:~~

## Section 1: Organization

A. The Chair presides at Board meetings and has a vote on each matter before the Board. The presiding officer may not make or second motions unless the position is first relinquished for that purpose.

B. The Vice-Chair presides when the Chair is absent.

C. In the absence of both the Chair and Vice-Chair, **the Commissioner that has been elected to serve as pro-tem will preside.**

D. The presiding officer will sign all documents approved at the Board meeting.

E. **All decisions of the Presiding Officer shall be subject to review by a majority of Board members present upon motion duly made and seconded, which shall be a privileged motion. (Washington County, Section 2 )**

F. **Chair sets questions of order, subject to Board appeal (Clackamas County, Section 1)**

G. **The Chair will designate a time limit for any public comment or communication. (Clackamas County, Section 1)**

H. **All questions and remarks will be directed to the Chair. The Chair will recognize Commissioners, staff, and members of the public that desire to speak. (Clackamas County, Section 1)**

## **Section 2: Appointment of Vice-Chair**

A. At the first regular meeting of each calendar year, the Board will **elect** ~~appoint~~ a Vice-Chair and pro-tem. ~~Appointments will be made in rotation by Commission District Number. A Commissioner may refuse the position, and then the Commissioner in the next numbered district will be appointed.~~

B. If there is a vacancy in the Vice-Chair **or pro-tem** positions, the Board will **elect those positions.** ~~appoint a Vice-Chair from the next numerical Commissioner District at the first regular meeting following the vacancy.~~

## **Section 3: Minutes**

A. The Board Clerk will make a record of all Board meetings.

B. The written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

C. The Clerk of the Board, or a qualified alternate designated by the Presiding Officer, shall be present at each meeting of the Board ... (Section 3) (Washington County)

D. A record of board meetings shall be available to the public and posted online

## Section 4: Meetings, Worksessions and Board Briefings

A. All Board meetings, except executive sessions or as otherwise provided by law, shall be open to the public. (Washington County, Section 4)

B. Except for executive sessions, the public will be provided a place to listen to the communication. (Multnomah County, section 8)

C. Meetings will be conducted via a Hybrid model allowing for both in person and virtual options for the Board and members of the Public in accordance with State law. (Washington County, Section 4)

D. These Rules of Procedure shall be available to the public on the County's website.

1. A copy of these Rules shall be available at all regular and special meetings of the Board.
2. A copy of these Rules shall be provided to each Commissioner.
3. A copy of these Rules shall be posted within or near the entrance to the Board hearing room and reference may be made to them in all required notices of proceedings conducted in accordance with this section. (Washington County)

E. The County will make available Alternative Listening Devices, qualified sign language interpreters, video or audio tapes, transcripts including bold typeface or Braille or such other accommodations as is reasonable so as to permit persons with disabilities to observe or participate in the meetings of the Board, including work sessions. Requests must be made in advance and generally no later than 5:00 p.m. on the day prior to the meeting. (Washington County) (Legal opinion needed to ensure ADA compliance)

F. The County will endeavor to arrange for qualified bilingual interpreters for meetings, or to translate notices, minutes and other such materials. Requests must be made as much in advance as possible and, in general, no later than two business days prior to the meeting. (Washington County)

**G. If a Regular Meeting, Worksession or Board Briefing falls on a legal holiday under the laws of the State of Oregon, such meeting shall be deemed cancelled unless the Chair in advance orders the meeting to be held or the meeting is rescheduled. (Clackamas County, Section 4)**

**H. All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda. within notice requirements stated later in ordinance**

**I. The Board meets each Thursday to deliberate on County business and make decisions.**

**J. The Board meets on Tuesdays and other days as necessary for briefings, executive sessions, work sessions and joint meetings. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings with the approval of 3 members of the board in writing or a vote of a majority of the board in a meeting.**

**K. When it is in the public interest, the Board by majority vote at any meeting may adjourn to another time or to another location accessible to the public.**

**L. Work sessions, retreats and other such meetings are limited to discussions among members of the Board and staff, excepting only those persons invited by the Chair to appear and participate. (Clackamas County, Section 9) unless 2 or more Board members request in writing to allow other persons to participate.**

**M. No board member shall make any formal motion, nor shall the Board decide any issue or adopt any action by formal vote at a work session. By consensus at such work sessions, however, the Board may provide direction to staff for additional research, analysis, or preparation prior to subsequent Board consideration and possible adoption of any item or action at a formal, scheduled Board meeting convened to transact county business. (Clackamas County, Section 4)**

## **Section 5: Regular and Special Meeting Procedures**

**A. The board may take action on an item not on the agenda if the board deems that an emergency requires the action and if all the members of the board who are present affirmatively concur in the action.**

**B. Two or more Commissioners may place any item on the agenda of a meeting of the board of county commissioners over the objection of the Chair.**

**C. One Commissioner may place matters on Issues for discussion.**

**D. All decisions of the Presiding Officer shall be subject to review by a majority of Board members present upon motion duly made and seconded, which shall be a privileged motion.**

**E. Notice will be given one week before each regular meeting. Supporting materials may be updated/posted 24 hours in advance of each regular meeting.**

**F. Amendments to board actions must be publicly posted at least 24 hours prior to consideration, unless a majority (or unanimous, or 4?) of the board voted to waive this requirement.**

**G. Any member of the public can provide written testimony by submitting it to the board clerk.**

**H. The Chair or three other Board members may call special meetings. The special meeting notice must include an agenda of items for consideration. The notice must be delivered personally and electronically to each Commissioner or the Commissioner's office or residence at least 24 hours before the meeting unless a natural disaster has been declared by the Governor. Commissioner shall select preferred methods of notice and contact information.**

**I. Board action at a special meeting, except adoption of an emergency ordinance, does not take effect unless ratified at the next regular meeting. (Charter 3.50)**

### **C. Executive Sessions**

**(1) The Board may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated.**

**(2) The Board will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.**

## Section 6: Notice and Agenda

A. The Board Clerk will maintain an interested person Board meeting notice list. The list will include the names and addresses of interested persons including news media that have requested notice of Board meetings, **briefings, executive sessions, work sessions and joint meetings**.. The Board Clerk will give notice stating the time and place of Board meetings **briefings, executive sessions, work sessions and joint meetings along with** the agenda to persons on the list, and post the notice to the Board's internet web site. Agenda packet materials **must will also** be posted **within the same time periods below to the website**. **Agenda packet materials must include all written material associated with board actions and presentations being considered by the board, however supporting materials may be added or updated (24 or 72 hours) prior to meeting time.**

(1) Notice will be given at least **one week** before each regular meeting.

(2) Notice will be given **at least 24 hours** before each special meeting.

(3) **amendments to board actions must be publicly posted at least 24 hours prior to consideration, unless a majority of the board voted to waive this requirement.**

B. The Chair, each Commissioner, the Sheriff, the District Attorney, the Auditor and Department Directors may place matters on a Board meeting agenda. The official who places a matter on a Board agenda may withdraw or postpone the matter at any time before the start of the meeting. If the agenda has been distributed, the Board must decide to continue the matter to another date or postpone it indefinitely.

C. The Chair will supervise agenda preparation. ~~The Chair may adopt Executive Rules for placement of matters on the Board agenda, and the format for ordinances, resolutions, orders, proclamations and other Board documents.~~

**D. The Chair may propose rules for placement of matters on the Board agenda for worksessions, briefing, regular and special meetings, and the format for ordinances, resolutions, orders, proclamations and other Board documents. The Board must adopt those rules by majority vote. Any Board member may seek to amend those rules by making a motion to amend. An amendment must receive a majority vote to be adopted as part of the Board operating rules.**

**E. The board shall establish a time-certain agenda placement process. Clerk shall hold and manage the agenda placement process. Rules shall ensure no one commissioner can take a majority of slots. With the approval of 3 members of the board in writing or a vote of a majority of the board in a meeting, an item can be removed from the time certain agenda placement process.**

~~D. The Board, Sheriff, District Attorney and Auditor are not bound by the Administrative Procedure for Board agenda submissions and process established by the Chair for County Department Directors. The agenda submission deadline for elected officials is noon, Wednesday, one week prior to the Thursday Board meeting.~~

## **Section 6: Unanimous Consent**

~~A. The Board may act on an item not on the agenda notice if at least three Commissioners vote in favor of a motion to immediately consider the matter.~~

~~B. For the matter to be adopted, all Commissioners present must vote in favor of the matter.~~

## **Section 7: Attendance, Quorum**

A. Commissioners will provide written or electronic mail notification of all anticipated absences from Board meetings to each other and the Board Clerk.

B. A quorum consists of three Commissioners. (Charter 3.30)

C. If there is an emergency, two Commissioners may meet and compel the attendance of absent members with assistance from the Sheriff.

## **Section 8: Voting**

A. A Commissioner who cannot be physically present at a meeting may attend and participate by telephone or video conferencing. Except for executive sessions, the public will be provided a place to listen to the communication.

B. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner has an actual conflict of interest relating to any matter, the

Commissioner **will publicly announce the nature of the actual conflict and** may not participate or vote on that matter.

C. After a motion and second, the presiding officer will request an explanation of the agenda matter and accept public testimony. At the conclusion of Board discussion, the presiding officer will state the motion before the Board and call for the vote.

D. After the call for the vote, no further discussion is permitted, but the presiding officer will permit the maker to withdraw the motion to allow further discussion.

E. ~~No voting abstention is allowed. Commissioners must vote 'yes' or 'no' unless they have been excused for a conflict of interest.~~ **Board members may vote "yes", "no" or abstain from voting. The Clerk of the Board shall record positive, negative and abstaining votes.**

F. Commissioners will vote orally. A roll call vote will be conducted **and will begin with a rotating members by starting with the next numerical Commissioner District then voted first in the most recent vote.** The presiding officer will announce the results of the vote, and the vote of each Commissioner will be recorded.

G. Motions and amendments to motions fail if there is a tie vote.

H. As required under Charter Section 6.20(4), the affirmative concurrence of four or more Commissioners is required to:

(1) Establish additional administrative departments,

(2) Abolish any department,

(3) Combine two or more departments into one, and

(4) Separate departments so combined.

I. Regular meeting agendas include a consent calendar for approval of items determined routine by the Chair. The consent calendar may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent calendar item will be considered on the regular agenda.

J. Agenda items may be taken out of order at the discretion of the presiding officer.

K. A motion to adjourn a board meeting, briefings, executive sessions, and work sessions must be made and approved by a majority of board members present.

L. Except as provided in the Charter, the board may act at a meeting only with the affirmative concurrence of a majority of its members (Charter 3.40)

**Should we include "Motions to reconsider"**

M. A motion to reconsider an item may be made by any member of the Board regardless of his or her vote on that item. Such motion shall be made not later than the next regular meeting following the original action of the Board. If the motion is made after the conclusion of the meeting in which the original action was taken, all persons of record appearing before the Board upon such item shall be notified of the date and time of the meeting at which the item to be reconsidered shall be acted upon again. A vote to the motion to reconsider will be required to pass by a majority of board members before the item can be voted on. (similar to Clackamas County)

**Should we include a statement about voting by proxy**

N. Voting Commissioners may not vote by proxy. (Washington County, Section 7)

## Section 9: Public Testimony

A. The presiding officer may regulate the length of public participation and limit appearances to presentations of relevant points.

B. To assist persons wishing to testify at Board meetings, the Board Clerk will make public sign-up sheets available. ~~Persons will be called to testify in the order they are submitted to the Board Clerk, unless otherwise recognized by the presiding officer.~~

C. The presiding officer has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct or who creates a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

D. The Presiding Officer may limit the time and number of persons appearing in the interest of facilitating the orderly business of the Board, unless a majority of the Board rules otherwise. (Washington County, Section 9)

## Section 10: Ordinances

A. Proposed ordinances will be prepared or reviewed and approved by the County Attorney. **The County Attorney will maintain an independent attorney client privilege with any Multnomah County Elected official regarding the contents of a proposed ordinances until the ordinance appears on the agenda and is made public.**

B. Except for ordinances containing emergency clauses, proposed ordinances will be read at regular Board meetings on two different days at least six days apart. (Charter 5.30)

C. ~~A proposed ordinance may be read by title only if copies of the ordinance are available to the public at the meeting.~~ **The reading of an ordinance shall be full and distinct unless (a) A copy of it is available for each person at the meeting who desires a copy and (b) The board directs that the reading be by title only. (Charter 5.30)**

D. A motion to move a proposed ordinance to its second reading requires the affirmative concurrence of at least three members of the Board. Unless a later date is provided by the Board, upon passage of the motion, the presiding officer will announce the second reading is scheduled for the next regular meeting, which must be at least six days from passage of the motion.

E. No change or amendment to a proposed ordinance that has been placed on the agenda may be made except by approval of a majority of the Board during the public hearing of the ordinance. If the Board approves a change that materially affects a proposed ordinance, an additional reading of the proposed ordinance may be held.

F. A non-emergency ordinance takes effect thirty days after adoption by the Board unless it prescribes a later effective date or it is referred to County voters.

G. A proposed ordinance to meet an emergency may be introduced, read once and enacted at a single meeting with unanimous consent of all Board members present. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance must be scheduled for a second reading. At the second reading, the proposed ordinance may be approved as either an emergency or a non-emergency ordinance by majority vote.

H. Following Board adoption, an emergency ordinance takes effect immediately upon signature of the presiding officer or the date provided in the ordinance.

## Section 11: Board member assignments

**A. Members of the boards and commissions shall be appointed by the chair of the board of commissioners with the approval of the board. (Charter 3.70)**

**B. At the first regular meeting of the Board, Commissioners shall discuss committees, boards and commissions and express their desired assignments. The Chair will bring back to the board for approval the recommended assignments**

## Section 12: Effective dates

**A. A nonemergency ordinance shall take effect on the 30th day after it is signed by the Chair of the Board of Commissioners unless (a) It prescribes a later date for it to take effect or (b) It is referred to the voters of the county, in which event it shall take effect only upon receiving their approval. (Charter 5.50)**

**B. An ordinance adopted by the board shall, within three days of its adoption, be signed by the Chair of the Board of Commissioners or the County Commissioner who presided at the meeting at which the ordinance was approved. (Charter 5.40)**

**C. An emergency ordinance may take effect immediately upon being signed by the Chair of the Board of Commissioners. (Charter 5.50)**

## Section 13: Board messaging

**Consider adding what Clackamas County has**

**A. After a quorum of the Board has reached a final decision on any matter before the Board, each Commissioner shall support and respect the decision of the Board. Any Commissioner may express their position or basis for opposing a position taken by a quorum of the Commission but should not actively attempt to undermine a decision of the Board. ( Clackamas County Section 11)**

**B. The Chair may sign a letter on behalf of the Board of Commissioners if a quorum of the Board approves the letter even if the Chair was opposed. The Chair may delegate signing authority to the Vice Chair. (Clackamas County Section 11)**

**C. The Chair may provide testimony or sign a letter on behalf of the Board without prior Board approval if the testimony or letter repeats an already adopted position of the**

**Board or if it is a merely ministerial function of the Board. (Clackamas County Section 11)**

**D. Any Board member may write a letter or express an opinion as an individual member of the Commission provided the statement is expressly qualified. (Clackamas County Section 11)**

## **Section 14: Application of Rules**

**The Board is the governing body for Dunthorpe-Riverdale Sanitary Service District No. 1, the Mid-County Street Lighting Service District No. 14, and the Multnomah County Library District. The Board also sits as the Multnomah County Budget Committee, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.**